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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/914,527	0	8/29/2001	Paul R. Mort III	7471	7803	
27752	7590	10/27/2003		EXAMINER		
		SAMBLE COMPA				
		DPERTY DIVISION NICAL CENTER -	1			
6110 CENTER HILL AVENUE				1751		

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

		<u> </u>	(Jr
	Application No.	Applicant(s)	υ
	09/914,527	MORT III, PAUL R.	
Office Action Summary	Examiner	Art Unit	
•	John R Hardee	1751	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
1) Responsive to communication(s) filed on	<u> </u>		
2a) ☐ This action is FINAL . 2b) ☑ Th	nis action is non-final.		
3) Since this application is in condition for allows closed in accordance with the practice under			
Disposition of Claims			
4) Claim(s) 1-10 is/are pending in the application			
4a) Of the above claim(s) is/are withdra	wn from consideration.	<u>:</u>	
5) Claim(s) is/are allowed.			
6)⊠ Claim(s) <u>1-10</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and/oApplication Papers	or election requirement.		
9)☐ The specification is objected to by the Examine	er		
10) The drawing(s) filed on is/are: a) acce		miner.	
Applicant may not request that any objection to th			
11) The proposed drawing correction filed on			
If approved, corrected drawings are required in re			
12) The oath or declaration is objected to by the Ex	aminer.		
Priority under 35 U.S.C. §§ 119 and 120		•	
13) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119(a	n)-(d) or (f).	
a) All b) Some * c) None of:			
1. Certified copies of the priority document	s have been received.	•	
2. Certified copies of the priority document	s have been received in Applicati	on No	
 3. Copies of the certified copies of the prio application from the International Bu * See the attached detailed Office action for a list 	ıreau (PCT Rule 17.2(a)).	• •	
14)⊠ Acknowledgment is made of a claim for domest	ic priority under 35 U.S.C. § 119(e) (to a provisional applicatio	n).
a) The translation of the foreign language pro			
Attachment(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)	

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DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is a disengagement plane? The examiner has not found support in the specification for the recitation of a disengagement plane, and has not been able to determine what a disengagement plane is in the context of fluidized bed mixers.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/12955. The reference discloses a process for producing free flowing detergent agglomerates. Starting materials are agglomerated in the presence of an inorganic double salt, which is preferably Burkeite (p. 4, lines 22+). This is done in a high speed mixer, and further agglomeration may take place in a low or moderate speed mixer, such as the Loedige "Ploughshare". The agglomerates may then be dried in a fluidized bed dryer (p. 5, lines 13-15). The starting materials most preferably include a surfactant in the form of a paste or the acid form of an anionic surfactant and dry detergent materials (p. 5, lines 1+). The surfactant most preferably comprises anionic surfactant (p. 7, lines 15-16). See Example I, in which the double salt is added as a sprayed aqueous solution. This reference differs from the claimed subject matter in that it does not disclose a method which reads on applicant's claims with sufficient specificity to constitute anticipation.

It would have been obvious at the time the invention was made to employ such a method, because this reference teaches that all of the steps recited by applicants are suitable for use in formulating an agglomerated surfactant composition. The person of ordinary skill in the surfactant art would expect the recited compositions to have properties similar to those compositions which are exemplified, absent a showing to the contrary.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (703) 305-5599. The examiner can normally be reached on Monday through

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Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Dr. Yogendra Gupta, may be reached at (703) 308-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

John R. Hardee Primary Examiner

October 23, 2003